

CITY OF CHIPPEWA FALLS, WISCONSIN

NOTICE OF PUBLIC MEETING

In accordance with the provisions of the Wisconsin State Statutes, Sec. 19.84, notice is hereby given that a public meeting of:

Committee #3

Transportation, Construction, Public Safety and Traffic

**Will be held on Tuesday, April 18, 2017 at 4:45 p.m. in the City Hall Council Chambers,
30 W. Central Street, Chippewa Falls, WI**

Items of business to be discussed or acted upon at this meeting are shown on the agenda below:

1. Discuss Police Department proposal to add a K9 Unit. Possible recommendations to Council.
2. Discuss regulation of commercial quadricycles (pedal pubs) in the City. Possible recommendations to Council.
3. Adjournment

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.
NOTE: REASONABLE ACCOMMODATIONS FOR PARTICIPATION BY INDIVIDUALS WITH DISABILITIES WILL BE MADE UPON REQUEST. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT THE CITY CLERK AT 726-2719.

Please note that attachments to this agenda may not be final and are subject to change. This agenda may be amended as it is reviewed.

CERTIFICATION OF OFFICIAL NEWSPAPER

I hereby certify that a copy of this notice has been posted on the City Hall bulletin board and a copy has been given to the Chippewa Herald on April 12, 2017 at 1:00 pm by BNG.

MUNICIPALITIES CAN REGULATE NEWLY AUTHORIZED "PEDAL PUBS"

Question: What has a driver, four wheels, operates in a manner similar to a bicycle, has at least 12 passenger seats with fully operative pedals for propulsion by human power, and allows passengers to consume beer as they pedal along enjoying the sights in your community and perhaps stopping at various locations? Answer: A commercial quadricycle.

Commercial quadricycles, defined in Wis. Stat. sec. 340.01(8m) and regulated by sec. 346.94(23), were the subject of news stories following enactment of 2013 Wis. Act 106, which became effective January 1, 2014. If you haven't seen a commercial quadricycle in your community yet, it's possible you may see one soon. Commercial quadricycles where fermented malt beverages are consumed are often referred to as "pedal pubs."

Governing bodies can and will disagree regarding the wisdom of pedal pubs. But whether your municipality thinks pedal pubs are an economic

boon or a disaster waiting to happen, here are some important things to know about the new law:

- Alcohol is not sold on the commercial quadricycle.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages (beer) are carried or consumed; No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.
- No driver of a commercial quadricycle may drive with an alcohol concentration of more than 0.02, or consume alcohol while the quadricycle is occupied by passengers.
- 2013 Wis. Act 103 created sec. 125.10(5)(a) which allows municipalities to prohibit the consumption of fermented malt beverages on commercial quadricycles by ordinance. However, a municipal ordinance regulating possession or consumption of open containers of alcohol beverages in public places and enacted before January 1, 2014 may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. Furthermore, an ordinance inconsistent

with sec. 125.10(5)(b) may not be enforced. Therefore, municipalities will need to amend their existing ordinance or enact a new ordinance in order to regulate commercial quadricycles.

- No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under sec. 349.18(1)(d), which grants additional traffic authority to local governments in specific areas.
- A commercial quadricycle driver convicted for violating sec. 346.94(23) is subject to forfeitures. Upon conviction, the law requires the court to enter an order permanently prohibiting the person from driving a commercial quadricycle, and the law prohibits a person from driving a commercial quadricycle in violation of such an order.

Intoxicating Liquor 947
Intoxicating Liquor 948
Traffic Regulation 430



WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2013 Wisconsin Act 106
[2013 Assembly Bill 169]

**Consumption of Fermented Malt
Beverages on Commercial
Quadricycles**

2013 Wisconsin Act 106 relates to the consumption of fermented malt beverages on commercial quadricycles. A quadricycle is a four-wheeled vehicle with seats for at least 12 passengers and an operator. The passenger seats are equipped with pedals connected to the vehicle's drive train, such that the vehicle is powered entirely by the passengers, while the operator controls steering and braking.

In general, an owner or operator of a public place may not permit the consumption of alcohol beverages at that place unless it has been issued a retail alcohol license. There are various exceptions to this rule, including for county parks, athletic fields and stadiums, school buildings, and churches. A municipality may enact ordinances regulating alcohol beverages, so long as the ordinances do not conflict with state law.

2013 Wisconsin Act 106 adds commercial quadricycles to the list of unlicensed public places where alcohol beverages may be consumed. This exemption applies only to the consumption of fermented malt beverages, and only in municipalities that have not adopted an ordinance to prohibit the practice. The Act authorizes a municipality to adopt an ordinance to prohibit the consumption of fermented malt beverages on a quadricycle, but a municipality may not enforce such a prohibition in a previously existing ordinance. (The practical effect of this is that a municipality must re-enact any previously existing ordinance to make the ordinance enforceable.)

The Act creates the following prohibitions:

- No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers or drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.
- No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by a local ordinance.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

- No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

The penalty for violating any of these prohibitions, on first offense, is a forfeiture of not less than \$200 nor more than \$400; for a second-offense violation, the forfeiture is not less than \$500 nor more than \$1,000. A driver who is convicted of violating any of these prohibitions is permanently barred from driving a commercial quadricycle. A person who drives a commercial quadricycle after being barred from doing so may be required to forfeit not less than \$1,000 nor more than \$2,000.

Effective date: January 1, 2014.

Prepared by: David L. Lovell, Principal Analyst

December 18, 2013

DLL:jb;jal

State of Wisconsin



2013 Assembly Bill 169

Date of enactment: **December 13, 2013**
Date of publication*: **December 14, 2013**

2013 WISCONSIN ACT 106

AN ACT to amend 125.09 (1); and to create 125.02 (4m), 125.10 (5), 340.01 (8m), 346.94 (23), 346.95 (12) and 349.18 (1) (d) of the statutes; relating to: the possession and consumption of alcohol beverages on, and operation of, commercial quadricycles and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.02 (4m) of the statutes is created to read:

125.02 (4m) "Commercial quadricycle" has the meaning given in s. 340.01 (8m).

SECTION 2. 125.09 (1) of the statutes is amended to read:

125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. This subsection also does not apply to the consumption of fermented malt beverages on commercial quadricycles except in municipalities that have adopted ordinances under s. 125.10 (5) (a).

SECTION 3. 125.10 (5) of the statutes is created to read:

125.10 (5) FERMENTED MALT BEVERAGES ON COMMERCIAL QUADRICYCLES. (a) A municipality may, by ordi-

nance, prohibit the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.

(b) Notwithstanding sub. (1), an ordinance enacted before the effective date of this paragraph ... [LRB inserts date], regulating the possession or consumption of open containers of alcohol beverages in public places may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. An ordinance that is inconsistent with this paragraph may not be enforced.

SECTION 4. 340.01 (8m) of the statutes is created to read:

340.01 (8m) "Commercial quadricycle" means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

SECTION 5. 346.94 (23) of the statutes is created to read:

346.94 (23) COMMERCIAL QUADRICYCLES.

(a) In this subsection:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

1. "Alcohol beverages" has the meaning given in s. 125.02 (1).

2. "Fermented malt beverages" has the meaning given in s. 125.02 (6).

(b) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(c) No person may drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.

(d) No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

(e) No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

(f) No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

(g) Upon conviction of a driver of a commercial quadricycle for a violation of this subsection, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.

SECTION 6. 346.95 (12) of the statutes is created to read:

346.95 (12) (a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be required to forfeit not less than \$200 nor more than \$500.

(b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less than \$1,000 nor more than \$2,000.

SECTION 7. 349.18 (1) (d) of the statutes is created to read:

349.18 (1) (d) Establish a time earlier than that specified in s. 346.94 (23) (d) after which a person may not drive a commercial quadricycle occupied by passengers within the city, village, or town.

SECTION 8. Effective date.

(1) This act takes effect on the first day of the month beginning after publication.